REMARKS

1. No claims have been amended, added or canceled in the present response. Claims 1-4, 6-13 and 15-20 remain in the case.

Generally, the present invention is directed to a billing feature that allows calling or called parties to authorize alternative billing treatment for a call. Accordingly, embodiments of the present invention provide for maintaining both a calling party and called party billing list to determine whether alternative billing is authorized and to determine who will be charged. The alternative billing may comprise, for example, billing both legs of a wireless call to a single party (e.g., the calling or called party) or charging a wireline call to the called party without invoking operator services.

Among the independent claims, claims 1 and 11 recite steps of first consulting a calling party billing list to determine whether the calling party has authorized alternative billing treatment; and if the calling party has not authorized alternative billing treatment, consulting the called party billing list. Claims 19 and 20 recite steps of first consulting a called party billing list to determine whether the called party has authorized alternative billing treatment; and if the called party has not authorized alternative billing treatment, consulting the calling party billing list.

2. Claims 19 and 20 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. According to the Office Action, the sequence of claims 19 and 20 of consulting the called party list prior to consulting the calling party list (which is the reverse sequence of the originally presented claims 1 and 11) is not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Examiner acknowledges that the contents of claims 19 and 20 are disclosed, but suggests that the "inventive steps" of claims 19 and 20 are not disclosed. This rejection is respectfully traversed.

Support for newly added claim limitations may be provided by express, implicit, or inherent disclosure in the specification. MPEP 2163.I.B. Support for the claims 19 and 20 is

found, at least implicitly, at page 2, lines 21-23 ("a network device consults tailored billing **list(s)** of customer(s)") and the Abstract of the Disclosure ("Methods are disclosed for billing customer calls according to predefined billing **lists**"). Applicant respectfully submits that the description of consulting billing **"list(s)"** or **"lists"** implies that the calling and called party lists may be consulted in any order – and this would be well understood to one skilled in the art. It is further noted, if the Examiner wishes to challenge the adequacy of the written description relating to claims 19 and 20, it is the Examiner's burden to establish a prima facie case that would show how one skilled in the art would **not** have recognized that the inventor was in possession of the invention of claims 19 and 20. MPEP 2163.04.I. Applicant respectfully submits that the Examiner has not provided sufficient evidence or reasoning to establish such a prima facie case. Accordingly, the rejection of claims 19 and 20 under 35 U.S.C. 112, first paragraph, is believed to be improper and it is requested that the rejection be withdrawn.

3. Claims 1-3, 6-12 and 15-18 were rejected under 35 U.S.C. 102(e) as being anticipated by Brown et al., US Publication No. 2003/0114139 (hereinafter "Brown"). This rejection is respectfully traversed.

Brown is concerned with "billed transactions," whereby a tariff is charged for receipt of a service from a service number (i.e., associated with an individual or business that is providing a service via the telephone). For example, as described in paragraph [0018], the service number may be associated with a fortune-telling service provided via telephone. Conventionally, such billed transactions are billed to the **originating party**, which presumes that the service customer originates the call invoking the billed transaction. Brown recognized a problem with this arrangement, however, in that in some instances, the service offerer may wish to originate a billed transaction call directed toward the service customer. In such case, it is desirable to charge the **called party** for the transaction. To that end, Brown provides for an "origin telephony device" (e.g., the service offerer) to initiate a billed transaction that is charged to the called party ("callee"). Upon initiation of the call, the identity of the callee is authenticated and the callee is prompted to accept the service call (or not) for a fee. If the callee is authenticated and accepts the call, the billed transaction commences and the callee is charged for the call.

Thus, to the extent Brown describes an alternative billing treatment, it provides an alternative to the customary practice of billing the originating party, which alternative allows for a service offerer to initiate a billed transaction that is billed to a service customer. The service offerer (i.e., the calling party) is not billed; and to the extent the service customer (i.e., the called party) is billed, billing does not occur unless and until the customer is authenticated and prompted to accept the call. This is quite different from the subject matter of claims 1-3, 6-12 and 15-18 in which either the calling or called party may be charged for a particular call based on consulting respective calling and called party billing lists.

With respect to claims 1 and 11, the Office Action suggests that the profiles 51 and 53 may be considered a calling party billing list and the profiles 54 and 56 a called party billing list. Respectfully, even if the respective profiles could be considered billing lists, they are not consulted for the purpose of generating billing records to the corresponding party. The calling party profiles 51, 53 are consulted for the purpose of initiating a billed transaction that will prospectively be billed to the called party—the transaction is never billed to the calling party based on the calling party profiles; and the called party profiles 54, 56 are consulted for the purpose of determining the account elected by the called party, should the called party be authenticated and the charges accepted. The determination of whether to bill the called party (and indeed, the determination of whether to provide the service) is made independently of the called party profiles, responsive to prompting the called party to accept the charges.

With respect to claims 3 and 12, the Office Action suggest that Brown discloses charging airtime minutes or monetary charges of both call legs of a wireless call to the calling party. Respectfully, Brown discloses merely that a calling or called party telephony device may comprise a wireless device. Brown does not teach or suggest billing both call legs of a wireless call to a calling party. On the contrary, as noted above, Brown is concerned with charging billed transactions to a called party.

For at least the reasons noted above, claims 1, 3, 11 and 12 are believed to patentably distinguish over Brown and to be in condition for allowance. Claims 2 and 6-10 distinguish over Brown for at least the reason of their dependence on claims 1 and 11.

4. Claims 4 and 13 were rejected under 35 U.S.C. 103(a) as being anticipated by Brown in view of Rosinski. This rejection is respectfully traversed.

The Office Action suggests that Rosinski may be combined with Brown to supply the limitation of identifying a called party directory number in a calling party billing list, so as to indicate the calling party has authorized alternative billing treatment. Respectfully, as noted above, the calling party profiles 51, 53 of Brown are consulted for the purpose of initiating a billed transaction that will prospectively be billed to the called party. Thus, even if Rosinski could be combined with Brown such that the calling party profiles identify a called party directory number, and a billed transaction were initiated to the called party directory number, the transaction is not authorized until such time the called party is authenticated and accepts the charges.

Accordingly, claims 4 and 13 patentably distinguish over the combination of Brown Rosinski and to be in condition for allowance.

5. In view of the above amendments and remarks, a notice of allowance of claims 1-4, 6-13 and 15-20 is respectfully requested. The Commissioner is authorized to charge any additional fees that may be required, or credit any overpayment, to Lucent Technologies Deposit Account No. 12-2325.

Respectfully submitted,

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